Prior references.

Pris 45-20 (25,33.ch).

Prisons

File 25-24

Sec 1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for November 1924

SUBJECT

Adding a note to rule 643 A of the jail manual.

G.O.(P) 2501-38/11-H-24

Note 9 & 10 of Chapter ... Chapter ... Rule ... Clerical work

Directed that a note may be added to rule 643(A) of the jail manual to the effect that subsistence allowance includes hire for bedding".

Secretary Finance

20/11/24

R. S. III—3]

ROUTINE NOTES.

To be used only for notes, requisitions, etc., not intended for permanent record.]

281
P
Pun 25-24

cited. See G.O. 320-2-23 deem
the clear. the cost of the suppl
of bedding & the ciril hirer
shall be included in the subsist
allowance. Mere subsistence
allowance excluding incl
charges also for bedding. The
Court has to record and
remit in the first instance
the cost of bedding also along
with the actual subsistence
allowance & subsequent
payments will have to be
made with the final authority
who may relieve the civil
prisoner if the full amount
of the subsistence allowance
including the charges for bedd
is not paid

Orders of the D.G. appro
may be incorporated accord

Clerk
20/9/24 The chief court
have interpreted
the term subsistence as
including all that is necessa
to sustain life and not mere
food & drink and in this view
the charges for bedding have
been included under subsist
allowance in the order

slips,
d on
clerk
20/9/24

24/9

1261

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

The D.C. of Nilgiris seeks a doubt as to whether the Civil Court under Rule 66 of the Jail Manual is to recover the entire hoarding hire or whether the Superintendent of Jail is to recover it along with the Subsistence allowance.

The opinion of the Chief Court in the matter shows that the hoarding hire is to be considered as part of Subsistence allowance. Besides, it could not have been intended that the Civil Court was to recover the whole amount, for the reason that the Court would be unable to say how long the decree holder would care to keep the prisoner in the Jail. So the Civil Court can only recover the hoarding hire for the month or portion of the month. It follows therefore that the hoarding hire of the subsequent months should be paid by the decree holder with the Subsistence allowance to the Superintendent of the Jail.

In the Draft of the rules taken by the Chief Court that Subsistence allowance ~~does not~~ includes hoarding hire, no amendment of the rules in the Jail manual seems to be necessary as suggested by the D.C.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

The Chief Court has interpreted 'Subsistence allowance' to include the charges for bedding.

A new rule 643 A has ~~accordingly~~ been inserted, fixing the hire for bedding & also the procedure to be followed by the Court in levying it at the time of final payment.

The new rule is silent as to the future payment of hire i.e. as to the person to whom it is to be paid.

It is has naturally created doubts raised by the D.J. of P.

If the hire for bedding is included in subsistence allowance, it would have been better to have amended rule 642 which fixes monthly subsistence allowance.

Now as it is, the subscription of D.J. may be adopted to ~~read~~ 'And hire for bedding' should be inserted after the words 'subsistence allowance' in rules 641, 644, 645 & 646. If the hire is not levied, the question of entitled to be raised. Hence the addition may be desired.

2807
2819.

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 1920—G.P.B.—150,000—25-21.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Pris 25-24: 281/P

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The matter seems to be for the I. G. P to make the addendum or corrigendum -

The orders may be approved.

Lilley - 1/11

app 1.4

1/11

Hon I G of Prisons
" Comptroller
" Regr Chief Court

Rep P2501-34.
8/11.24.

Govt direct that a note may be added to Rule 643(A) Jail Manual to the effect that - Substance also includes "lime for bedding".

B 7/1

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

14150

15.9

No. 1263
101-24

Office of the Inspector-General of Prisons
in Mysore,
Dated, Bangalore, 13th September 1924.

From

Dr. B. Mahomad Usman. L. M. S.,
Inspector-General of Prisons
in Mysore, Bangalore.

15. SEP. 1924

B. Nagappa., Esqr., Bar-at-Law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislati
Depts.
BANGALORE.

Sir,

Adverting to Government Order No. 7105-9/Pris 15-20-66 dated 20th February 1923 adding a new Rule (645 A) to the Jail Manual, fixing the rate of hire for bedding to be supplie to Civil prisoners and imposing on the committing Court the du of recovering and remitting such hire to the Jail along with the first payment of the monthly subsistence allowance, I have the honor to state that it is open to doubt whether the Rule requires the Court to recover such hire for the entire period of sentence or for the period ending with the calendar month in which the sentence is passed, leaving it to the Jail author ties to recover the hire for subsequent months along with the subsistence allowance.

The Superintendent, Mysore Jail has brought to noti a case in which a Decree holder has remitted merely the subsis- tence allowance of a Civil prisoner and has failed to remit th hire for bedding. Presumably, the Court had not recovered and remitted the hire for the full period of sentence.

Rules 644 &c., of the Jail Manual which disallow part or deficient payment of subsistence allowance and require the release of the prisoner in such an event, are silent as to

the duty of the Superintendent if the hire for bedding is not received by him, from the Court if such hire is recoverable for the whole period of imprisonment, or from the party if its payments in monthly instalments is permissible.

If it is intended to give to the Civil prisoner the benefit of a release for non payment of hire for bedding as well, it is necessary to make the point clear by inserting in Rules 641,644, 645 and 646 of the Jail Manual, the words " And hire for bedding " after the words " Subsistence allowance" wherever they occur.

In the present case a remittance of Rs. 11-4-0 being merely the subsistence allowance for the full month of September 1924 was received by the Superintendent on 30-8-1924 and he wrote to the Decree Holder and recovered the hire for bedding on 8-9-1924 and the difficulty is solved. But whether the Superintendent was quite in order in addressing the party and what he should have done if the party had failed to remit the hire, are points which are not free from doubt.

I request the favour of very early orders.

I have the honor to be

Sir,

Your most obedient servant,

Inspector-General of Prisons.

G.R..S VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Rls

File No. 25 Rls 24

Serial No. 2

General and Revenue Secretariat

Proceedings of the Government of His Highness the Maharaja of Mysore.

(. . 5) .

the *192* .

Date of issue 11/11/24

Signed by.....

Read—

G.O. No: P. 7105-9/Ris 16:20-6 dated 20.2.23, directing levy from the decree holders the hire for bedding supplied by Civil Hospital and fixing rate for the same.

2) Letter No: 1262/101-24 dt 13.9 from the Dy. Commissioner Stating that the new rule 643A of the Jail manual fixing the rate of hire for bedding in Civil Hospitals as per G.O. read above is silent as to the future payment of the hire etc as to the person to whom it should be paid and requesting orders for necessary rules to insert the words "and hire for bedding" after the words "Subsistence allowance" wherever they occur in rules 641, 644, 645 & 646 of the Jail manual.

May this be

i Printed ?

ii treated as a standing order ?

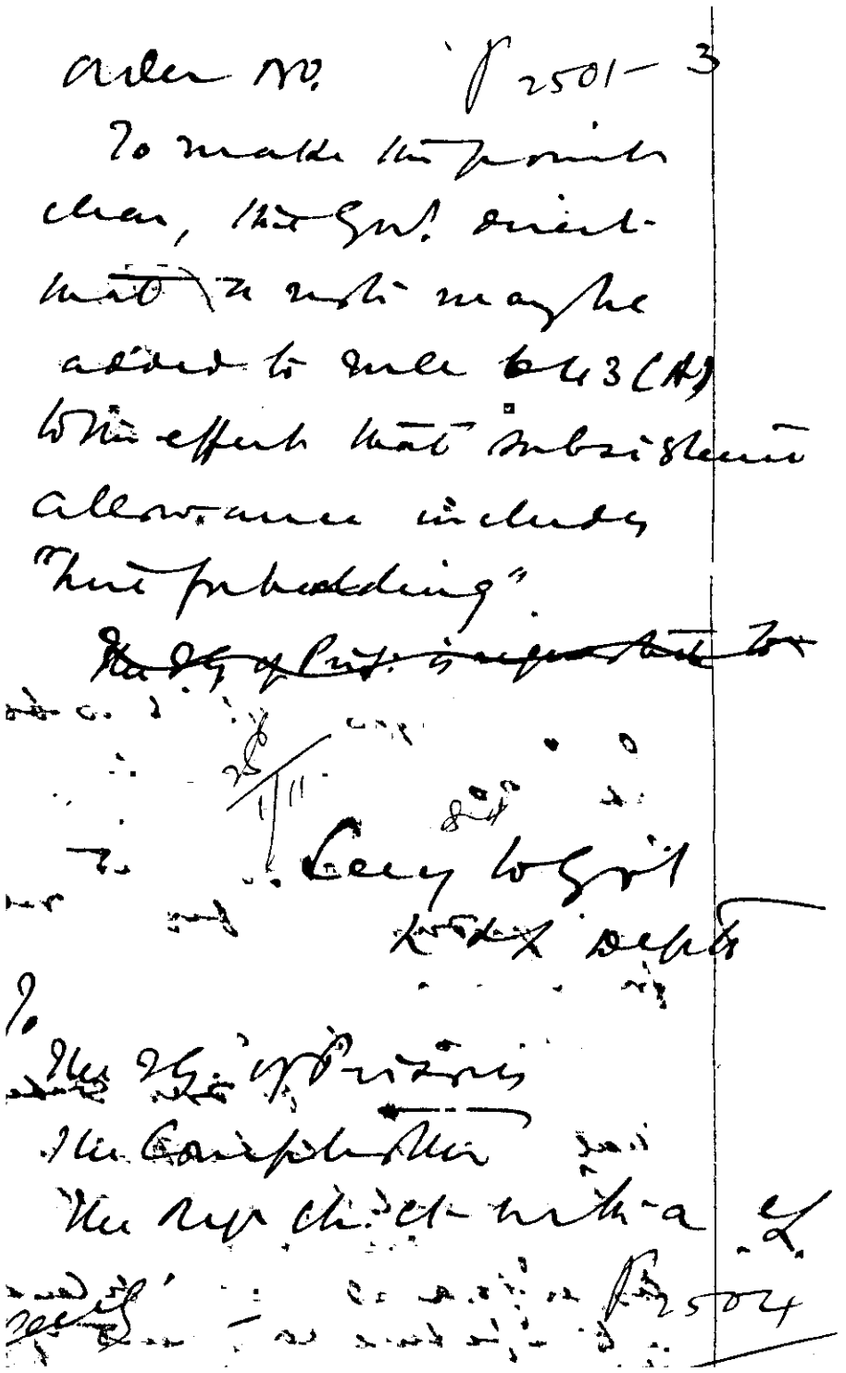
iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order Thereon No.



List of enclosures.

Copied by

Examined by

WD 1883—GPB—1,000,00—2